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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,859	09/25/2001	Yutaka Hasegawa	393032028500	1602

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MORRISON & FOERSTER, LLP
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LOS ANGELES, CA 90013-1024

EXAMINER

BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/963,859	Applicant(s) HASEGAWA ET AL.	
	Examiner Matthew L. Brooks	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 8, 11-13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 8, 11-13 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Information Under 37 CFR § 1.105

1. MPEP 704.10 → 37 CFR 1.105. Requirements for information.

(a)

(1) In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, Examiner is asking for:

(i) Commercial databases : The existence of any particularly relevant commercial database known to any of the inventors that could be searched for a particular aspect of the invention.

(ii) Search : Whether a search of the prior art was made, and if so, what was searched.

(iii) Related information : A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.

(iv) Information used to draft application : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.

(v) Information used in invention process : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used in the invention process, such as by designing around or providing a solution to accomplish an invention result.

(vi) *Improvements : Where the claimed invention is an improvement, identification of what is being improved.*

(vii) *In Use : Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.*

(viii) **Technical information known to applicant . Technical information known to applicant concerning the related art, the disclosure, the claimed subject matter, other factual information pertinent to patentability, or concerning the accuracy of the examiner 's stated interpretation of such items.**

1. This is a request that applicants provide the information identified above and below especially where emphasis added. If applicants have this information, then applicants are required, under the provisions of 37 CFR 1.56, to disclose the information to the Office. A copy of 37 CFR 1.56 is enclosed for the convenience of the applicants.

2. Applicants are not required or being asked to conduct a search for information beyond applicants own immediate files and/or knowledge. If applicants do not have immediate knowledge of the information requested, then a statement that the information sought is unknown or not readily available to the applicants will be accepted by the office as a complete reply.

3. Why the Request for Information is Reasonably Necessary -

Examiner and Applicant have been working on this case since first office action on the merits sent on 6/16/2005. It is quite apparent that the claims have changed significantly throughout prosecution. It now has morphed into an invention that focuses on the concept of a "day ticket" which involves selling a user of the system a ticket, then the user arriving at the venue and given another number/password upon arrival that is also indicative of the user's order of arrival. This is seen on top of page 17 of remarks dated July 25, 2007. Examiner has shown that the prior claimed system/method were well known in the art. At this point in prosecution several actions later Applicant is arguing this as the point of novelty. Examiner must know if this is Applicant's invention? That of issuing a ticket on the day of a particular event and are only good for a predefined number of day ticket holders that first arrive to the event. OR is this a method of ticketing that was known to Applicant to be with in the realm of the prior art known to one of ordinary skill?

Information Requested of Applicants: Are you aware of (1) Vendors issuing a ticket on the day of a particular event that are only good for a predefined number of day ticket holders that first arrive to the event. OR is this a method of ticketing that was known to Applicant to be with in the realm of the prior art known to one of ordinary skill?

4. All of the above knowledge or publications on or before 29 September 2000? If applicants' answer to anyone of the above questions is "Yes", applicants are required to identify the publication(s)/or requested information and the basis upon

which applicants believe that these publications had this capability on or before 29 September 2000.

Drawing Objections

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second password" given to a user at arrival at event. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The Drawings are objected to because of the following informalities: they fail to show the claimed subject matter that of a method flow chart using a "second password" given to a user at arrival at event.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 1st

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3-5,8,11-13 and 16-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claim 3 (f) "...executing the script..." Applicant is asked to show support. Further question arises as to what the registrant database is whether this is new matter and whether or not this is enabled, also as to this see 112 2d below where in claim 3, the ticket server request issuance of ticket and in claim 5 reception server request issuance of ticket.

Note here and now: Examiner depending upon reply to 105 rejection may indicate in next office action that claim 5 and its dependants are allowable. So for that reason

Examiner uses the claim to point out OBJECTIONS and 112 2d Rejections, on that claim, for example so that it may be cleared and put in condition for possible allowance.

Claim Objections

3. Claim 5 is objected to because of the following informalities: As to claim 5 (c) the message should be comprising a "*first* password". Same is to be said of step (d) of same claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is confusion as to step (b) because applicant fails to stay consistent with own terminology. In one claim the ticket server performs the function and now in claim 5 the reception server performs the function. Which one is it?

Response to Arguments

6. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
10/28/07



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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